IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE D.S.R.VARMA**

**WRIT PETITION NO : 2076 of 2005**

Between:

Varada Daliguruvulu, S/o. Late Parayya,
R/o. thettangi Village, Veeraghattam mandal, Srikakulam District.

**..... PETITIONER**

AND

1 The Joint Collector ( Civil Supplies), Srikakulam.
2 Revenue Divisional Officer, Palakonda.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ of certiorari or any other appropriate order or direction more particularly one in the nature of writ of certiorari call for the records SRA No.52/2004, dt. 25.12.2004, progs. No. 953/2004, dt. 30.10.2004 by set aside the orders passed in SRA No. 52/2004, dt. 25.12.2004, in Progs No.953/2004, dt. 30.10.2004 by the respondent in violating the principles of natural Justice, under Art. 14, 21 of the Constitution of India and pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice.

**Counsel for the Petitioner:MR.K.PURUSHOTHAM**

**Counsel for the Respondents: GP FOR CIVIL SUPPLIES**

**The Court at the stage of admission made the following :**

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***ORDER:***.

This Writ Petition is filed against the order dated 25.12.2004, passed by the first respondent-Joint collector, who is the appellate authority, in rejecting the stay.

It is not in dispute that an enquiry was conducted by the Mandal Revenue Officer and on the basis of the enquiry report given by the Mandal Revenue Officer, the Revenue Divisional Officer on various grounds, suspended the authorization of the petitioner. The said action has been challenged by the petitioner before the first respondent by way of an appeal and along with appeal, he filed an application seeking stay of the suspension order passed by the Revenue Divisional Officer. The said stay application has been dismissed taking into consideration the relevant facts and report of the Revenue Divisional Officer. Hence, the present Writ Petition has been filed.

Counsel appearing for the petitioner vehemently contends that one of the allegations on which the order of suspension of authorization was passed, is that on Sunday, which is an universal holiday, the Mandal Revenue Inspector visited the shop instead of Mandal Revenue Officer.

It appears from the report of the Revenue Divisional Officer that the petitioner was running the shop through benami dealer and the books of accounts have not been properly maintained. Hence, having found prima facie justification, in the order passed by the Revenue Divisional Officer, application filed by the Writ Petitioner, seeking stay of the order passed by the Revenue Divisional Officer, was rejected. However, it is to be noted that the appeal is still pending and all other facts have to be gone into, in detail, by the appellate authority.

Therefore, I do not find any illegality or irregularity in the order passed by the first respondent. In case petitioner succeeds in the appeal, all the benefits would be restored again. Hence, there is no merit in the Writ petition and the same is accordingly dismissed. It is needless to mention that the appellate authority shall proceed with the hearing of the appeal, as expeditiously as possible. No costs.

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D.S.R. VARMA, J

DATED: 28.02.2005

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To

1 The Joint Collector ( Civil Supplies), Srikakulam.
2 Revenue Divisional Officer, Palakonda.

3. 2 CCs to G.P. for Civil Supplies, High Court of A.P., Hyderabad (OUT)

4. 2 CD Copies.